

## **Court of Appeals Judge Eugene Fair takes oath**

January 6, 2012

Judge Eugene L. Fair Jr. at his investiture to the Court of Appeals of the State of Mississippi on Friday said the Boy Scouts pledge fits what he must do as a judge.

Judge Fair, an Eagle Scout, said, "We made this pledge and I have always remembered it....that says I will do my best to do my duty, and that's what I promise."

Senior U.S. District Judge William H. Barbour Jr. administered the oath of office to Judge Fair before a crowd of family and friends, judges and lawyers who packed the Court of Appeals Courtroom in Jackson. Melissa Fair Wellons M.D. of Birmingham, one of two daughters, held the Bible during the oath. Judge Fair's wife, Dr. Estella Galloway Fair, assisted with the enrobing.

Judge Fair, nephew of the late Mississippi Supreme Court Justice Stokes V. Robertson Jr., put on one of his uncle's old robes after he took the oath. As he adjusted the snaps on the garment, he quipped, "You got your money's worth when you paid for these robes." Justice Robertson retired from the court in 1982.

Former Mississippi Bar President George Fair, the judge's brother, described him as smart, hard-working, evenhanded and fair. "He loves the law. He loves to study the law. He loves to figure out what the right answer is....Gene is a person of integrity. He does the right thing. He loves his family and most of all, he loves the Lord. I'm proud of him today."

Gov. Haley Barbour appointed Judge Fair, 65, of Hattiesburg, to the District 5, Place 1 seat on the Court of Appeals. Judge Fair replaced Judge William H. Myers of Ocean Springs, who retired Dec. 31, 2011, after serving for 11 ½ years. Judge Fair's appointment is for one year. A special election will be held in November 2012 in the Court of Appeals district which includes Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry, Stone and parts of Wayne counties.

Mississippi Supreme Court Chief Justice Bill Waller Jr. noted that Gov. Barbour made 33 judicial appointments during eight years in office. There are 151 state trial and appellate judges. Chief Justice Waller praised the Governor's selections, calling them "the best appointments made in the history of the state."

The Governor's Chief of Staff, Paul A. Hurst III, told the crowd, "We are very proud of what we have done for Mississippi in regard to the judiciary. We had no idea when we came into office, speaking for both myself and Gov. Barbour, what a significant element judicial vacancies would play, from deaths and retirements and other causes that allowed us to make the 33 appointments, but Gov. Barbour took it very seriously."

Hurst said Judge Fair is a man of honesty and integrity, he has a proper judicial temperament, and he is fair, like his name. "He is everything you would hope for in a judge....You will be as proud of Gene Fair as Gov. Barbour is in having made the appointment."

Gov. Barbour utilized a Judicial Appointments Advisory Committee to screen applicants for judicial appointments. Gov. William Winter was the first to utilize a Judicial

Nominating Committee. Judge Fair served on Gov. Winter's nominating committee.

Chief Justice Waller said, "A lot of people have discussions about elected versus appointments. I would say this proves the constitutional balance of elected versus appointments works very well in Mississippi, preserving the citizens' right to have accountability in the judiciary."

Chief Justice Waller said Judge Fair's experiences make him ideally suited to serve on the Court of Appeals. Judge Fair served for 20 years on the Mississippi Ethics Commission, including 19 years as vice-chair. After four years in the U.S. Navy Judge Advocate General's Corps, he was in private law practice for 34 years. He tried cases in 57 courthouses across the state.

"He knows what the sound of artillery is in the courtroom. He knows what the smell of battle is. He knows what went on in the courtroom, and he will be able to apply those experiences in being a member of the Court of Appeals," Chief Justice Waller said.

For the past five years, Judge Fair served as a chancellor on the 10<sup>th</sup> Chancery Court, which includes Forrest, Lamar, Marion, Pearl River and Perry counties.

Chief Justice Waller said chancery experience will be an asset to the Court of Appeals, which decides a large volume of appeals from chancery courts as well as criminal appeals. "He is right where he needs to be at this time as a part of history. This court more than likely will have an impact on the average citizen from the standpoint of adjudicating the child support needs of a single mother, of compensation for an injured worker, justice for a victim of a crime, or redress for an egregious wrong."

Before calling him to the bench to take his seat with the other members of the court, Court of Appeals Chief Judge L. Joseph Lee said, "Ladies and gentlemen, can you think of a better name for a judge to have than 'Fair'?" We are all envious. It has been said and I have heard it numerous times that the Court of Appeals is a fair court. Now it's official."

Judge Fair noted Hinds County Chancery Judge Patricia Wise in the audience and said he and she kid each other about their names. "I think when we retire, a law firm called 'Fair and Wise' would just be really good," he said with a long, hearty laugh.

Judge Fair thanked those who attended the investiture, and asked for their prayers. "I need all I can get. We all do."

Rev. Dr. Stephen Ramp, Judge Fair's pastor at Westminster Presbyterian Church in Hattiesburg, gave the invocation. Rev. Dr. John C. Dudley of Hattiesburg, Administrative Presbyter of the Presbytery of Mississippi and Judge Fair's former pastor, gave the benediction. Judge Fair is a trustee, elder and Sunday School teacher at Westminster Presbyterian Church. He is a former chairman of deacons, and was church treasurer for 18 years.

Judge Fair grew up in Louisville. He earned a Bachelor of Arts degree from the University of Mississippi and a law degree from the University of Mississippi School of Law. He helped pay his way through college with freelance writing for newspapers.

He practiced law in Hattiesburg from October 1972 to December 2006. He ran unsuccessfully for election to the Supreme Court in 1988, and for the Court of Appeals in 1994. The 1994 race was for Position 1, District 5, the same position to which he has been appointed.

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